

Electoral Act 2006
Abridged and Simplified Version

Electoral Act 2006

Abridged and Simplified Version

November 2006
© Electoral Reform Network

© Electoral Reform Network

All rights reserved. No part of this publication may be photocopied, recorded or otherwise reproduced, stored in a retrieval system or transmitted in any form or by any electronic or mechanical means without the prior permission of the copyright owner and publisher.

Printed in Nigeria

ACKNOWLEDGMENTS

Preface [or Introduction]

ELECTORAL ACT, 2006

Arrangement of Sections

Sections

PART I: LEGAL STATUS AND ESTABLISHMENT OF INDEPENDENT NATIONAL ELECTORAL COMMISSION FUND ETC.

1. The Independent National Electoral Commission
2. Functions of the Commission.
3. Establishment of the Independent National Electoral Commission Fund
4. Maintenance of Separate Fund by the Commission
5. Expenditure of the Commission
6. Annual Estimates and Accounts
7. Establishment of Office in each State and FCT
8. Committees of the Commission

PART II: STAFF OF THE COMMISSION

9. Secretary to the Commission

PART III: NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

10. National Register of Voters and Voters' Registration
11. Continuous Registration
12. Appointment of Officers
13. Qualification for Registration
14. Transfer of Registered Voters
15. Demand for information regarding Registration
16. Power to print and issue register of Voters
17. Power to print and issue voters' Cards
18. Custody of the voters' Register
19. Power to issue duplicate voters' Cards
20. Display of the copies of the voters' List
21. Time for publication of supplementary voter's register
22. Revision officer for hearing of claims, etc.
23. Proprietary rights in the voters' card.
24. Offences of buying and selling voters' cards
25. Offences relating to registration of Voters

PART IV: PROCEDURE AT ELECTION

26. Day of Elections
27. Postponement of Election
28. Announcement of election results
29. Oath of Neutrality by election officers
30. Appointment of other officers for the conduct of registration of voters and elections

31. Notice of election
32. Submission of list of candidates and their affidavits by political parties
33. Prohibition of double nomination
34. Political Parties changing candidates
35. Publication of nominations
36. Withdrawal of candidate
37. Death of a candidate
38. Invalidity of multiple nomination
39. Failure of nomination
40. Contested Election
41. When poll is required
42. Uncontested election
43. Establishment of polling stations
44. Ballot Boxes
45. Format of ballot papers
46. Polling Agents
47. Notice of poll
48. Hour of poll
49. Display of ballot boxes
50. Issue of ballot papers
51. Right to challenge issue of ballot paper
52. Separate queues for men and women
53. Conduct of poll by Open Secret Ballot
54. Over voting
55. Ballot not to be marked by voter for identification
56. Accidental destruction or marking of Ballot Papers
57. Blind and incapacitated voters
58. Personal attendance
59. Voting at appropriate Polling Station
60. Impersonation by applicant for ballot paper
61. Tendered ballot paper
62. Conduct at Polling Stations
63. Closing of poll
64. Counting of votes and forms
65. Recount
66. Post-election procedure and collation of election results
67. Rejection of ballot paper without official mark
68. Endorsement on rejected ballot paper without official mark
69. Decision of Returning Officer on ballot paper
70. Declaration of result
71. Equality of votes
72. Posting of results
73. Custody of documents
74. Step by step recording of poll
75. Result forms to be signed and counter-signed
76. Certificate of Return at Election

77. Forms for use at Election.

PART V: POLITICAL PARTIES

78. Powers of the Commission to register political parties
79. Decision of the Commission subject to judicial review
80. Political parties to be bodies corporate
81. Contravention of Section 227 of the 1999 Constitution
82. Symbols of Political Parties
83. Allocation of Symbols
84. Merger of political parties
85. Notice of Convention, Congress, etc.
86. Monitoring of political parties
87. Offences in relation to finances of a political party
88. Period to be covered by Annual Statement
89. Statement as to election expenses
90. Grants to political parties for election.
91. Annual grants to political parties for their operations.
92. Power to limit contribution to a political party
93. Limitation on election expenses
94. Election expenses of political parties
95. Disclosure by political parties
96. Conduct at political rallies, and processions, etc.
97. Prohibition of certain conducts, etc. at Political Campaigns
98. Prohibition of use of force or violence during political campaign
99. Effect on elected officer where political party ceases to exist
100. Existing political parties
101. Limitation on political broadcast and campaign by political parties
102. Limitation on political broadcast and campaign by any other person
103. Campaign for election
104. Prohibition of broadcast, etc 24 hours preceding or on polling day
105. Campaign based on religion, tribe, etc.

PART VI: PROCEDURE FOR ELECTION TO LOCAL GOVERNMENT

106. Power of the Commission
107. Election to offices of Chairman, Vice-Chairman and Councillors
108. Division of Local Government Area and Area Council into Registration Area
109. Qualification
110. Disqualification
111. Date of Area Council Elections and method of voting
112. Procedure for Area Council Elections
113. Procedure for Nomination, etc.
114. Election of Area Council Chairman
115. Death of Chairman before oath of office
116. Dissolution of Area Council
117. Vacation of seat of members
118. Removal of Chairman or Vice-Chairman
119. Recall

PART VII: PROCEDURE FOR LOCAL GOVERNMENT COUNCIL ELECTIONS

120. Voting by Open secret ballot
121. Procedure for Local Government Elections
122. Procedure for Nomination etc.
123. Election of Chairman.

PART VIII: ELECTORAL OFFENCES

124. Offences in relation to registration, etc.
125. Offences in respect of nomination, etc.
126. Disorderly behaviour at political meetings
127. Improper use of voters' card
128. Improper use of vehicles
129. Impersonation and voting when not qualified
130. Dereliction of duty
131. Bribery and conspiracy
132. Requirement of secrecy in voting
133. Wrongful voting and false statements
134. Voting by unregistered person
135. Disorderly conduct at elections
136. Offences on Election Day
137. Treating
138. Undue influence
139. Offences relating to Recall

PART IX: DETERMINATION OF ELECTION PETITIONS ARISING FROM ELECTIONS

140. Proceedings to question an Election
141. Time for presenting Election petition
142. Establishment of Area Council Election Tribunal
143. Establishment of Area Council Election Appeal Tribunal
144. Persons entitled to present Election Petitions
145. Grounds of petition
146. Certain defects not to invalidate election
147. Nullification of election by Tribunal or Court
148. Accelerated hearing of election petitions
149. Person elected to remain in office pending determination of appeal.
150. Legal representation of Commission, etc.
151. Rules of Procedure for election petition Schedule I.

PART X: MISCELLANEOUS

152. Persons disqualified from acting as election officers
153. Conduct of Referendum/Plebiscite for State creation
154. Loss of registration card
155. Election expenses by the Commission
156. Secrecy of Ballot
157. Prosecution of Offence disclosed in Election Petition.

158. Trial of offences
159. Inspection of documents
160. Delegation of powers of the Commission
161. Regulations
162. Civic education by the Commission
163. Validation
164. Interpretation
165. Repeal of Electoral Act 2002, INEC Establishment Act No. 17, 1988 etc.
166. Citation.

ELECTORAL ACT 2006

**AN ACT TO ESTABLISH THE INDEPENDENT NATIONAL ELECTORAL COMMISSION,
REGULATE THE CONDUCT OF FEDERAL, STATE, AND AREA COUNCIL ELECTIONS AND
TO REPEAL THE ELECTORAL ACT 2002 AND FOR RELATED MATTERS**

6th June, 2006 Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

PART I

Establishment and Functions etc of the Independent National Electoral Commission

1. (1) The Independent National Electoral Commission which is established by Section 153 of the Constitution is a legal organization which can sue and be sued in its name. Independent National Electoral Commission

2. (1) In addition to INEC's duties under the Constitution, the Commission will also: Functions of INEC
 - (a) Educate voters on how to vote and their civic duties.
 - (b) Enlighten the public about the electoral process.
 - (c) Conduct any referendum required under the 1999 Constitution or any other law

3. (1) There will be established for INEC an Independent National Electoral Commission Fund. INEC Fund

- (2) The money to be paid into this fund will include:
 - (a) Money meant for Commission to carry out its functions under the Constitution and the Electoral Act.
 - (b) Amounts which INEC may get from time to time as interest from investments made from the fund.
 - (c) Financial grants which may be given to INEC from time to time to carry out its functions.

4. (1) INEC shall establish and maintain a separate fund from which all expenses incurred except such as may be incurred under section 5 of this Act shall be settled.

5. (1) The Commission may, from time to time, spend money from the fund: Expenditure of INEC
 - (a) to pay the cost of administration
 - (b) As refund to members of the Commission or any of its Committees for expenses approved by the Commission;
 - (c) for payment of the salaries, fees, or allowances, pensions, and gratuities of officers and staff of INEC, except that no payment of any kind should be made to any person who is already receiving a salary from the Federal Government or a State Government;
 - (d) for the maintenance of any property owned by the Commission; and

(e) for any of the Commission's functions.

6. (1) The Commission shall submit to the Ministry of Finance not later than 31st August every year an estimate of its expenditure and income for the next year.

INEC Annual
Budgets

(2) The Commission shall keep proper accounts of each financial year and have its accounts audited as soon as possible after the end of each year by the Auditor General of the Federation.

7 (1) The Commission shall establish an office in every State and Federal Capital Territory to perform the functions which the Commission may assign to it from time to time.

Establishment of
INEC State Offices

(2) A person appointed as Resident Electoral Commissioner shall;
(a) report to the Commission; and
(b) hold office for five years.

Resident Electoral
Commissioners

(3) The Resident Electoral Commissioner can only be removed by the President, based on a request supported by 2/3 majority of the Senate asking that the Resident Electoral Commissioner should be removed for being unable to perform the functions of the office, either because of mental or physical illness or any other cause, or for misconduct.

8 (1) The Commission may set up one or more committees to perform any of its functions.

Committees of the
Commission

(2) Such a Committee will be made up of any number of persons decided by the Commission.

PART II

Staff of the Commission

9 (1) There shall be a Secretary to the Commission who shall:

Secretary to INEC

- (a) be appointed by the Commission;
- (b) have the appropriate qualifications and experience to be decided by the Commission.

(2) Under the supervision of the Commission, the Secretary shall:

- (a) keep proper records of meetings of the Commission;
- (b) be the head of the Commission's secretariat and be responsible for its administration ; and
- (c) supervise and control all other employees of the Commission.

(3) The Commission has power to appoint, dismiss and discipline its staff.

(4) All employees of the Commission, excluding temporary staff employed on an honorarium basis, shall have the same rights and obligations under

the Pension Reform Act.

PART III
National Register of Voters and Voters' Registration

10. (1) The Commission shall compile, maintain, and update continuously, a National Register of Voters which should include the names of all persons qualified to vote in any Federal, State or Local Government Council Elections. Register of Voters

(2) The Commission shall maintain as part of the National Register of Voters, a register of voters for each State and for the Federal Capital Territory;

(3) The Commission shall maintain as part of the Register of Voters for each State and the Federal Capital Territory, a Register of Voters for each Local Government Council in the States and the Federal Capital Territory.

(4) The register shall contain information required from every person in the Form prescribed by the Commission.

(5) The registration of voters, updating and revision of the register of voters shall stop not later than 120 days before any election covered by this Act. Deadline for Registration of Voters

(6) The registration of voters shall take place at registration centers selected by the Commission and announced to the public.

11. (1) Regardless of clause 10(5), the process of registering qualified voters shall be continuous. Continuous registration

(2) Each person who is qualified for registration (that is a Nigerian above the age of 18 years) shall appear personally at the registration center with any of these documents: birth or baptismal certificate, international passport, identity card or driver's license or any other document that will prove his or her identity, age and nationality.

(3) The Commission shall within 60 days after the end of every year give to every political party, the names and address of every person registered during that year.

(4) When a general election is announced by the Commission, the current official register of voters confirmed by the Commission will be the official voters' register for the elections. In the case of every by-election conducted, the official voters' register to be used at such elections shall be the existing current register relating to the Senatorial district or the constituency concerned.

(5) As soon as claims and objections have been dealt with or the period for making claims and objections has expired, the new list shall be included in the revised register, and confirmed by the Commission as the official

register of voters for any election conducted under this Act.

12. (1) To maintain and update the Voters' Register, the Commission shall appoint registration, revision or update officers as it may require, but such officers should not be members of any political party.

Appointment of officers

(2) Any person may raise an objection against any officer during the registration or updating exercise but failure to raise such objection will not invalidate the register.

(3) The officers appointed shall perform the functions and duties specified by the Commission and shall not be under the direction or control of any person or authority other than the Commission in the performance of their functions and duties.

13. (1) A person shall be qualified to register as a voter if he or she:

- (a) is a Nigerian citizen;
- (b) is up to the age of 18 years;
- (c) usually lives, works, comes from the Local Government Area or Ward covered by the registration centre;
- (d) presents himself to the registration officers of the Commission for registration as a voter; and
- (e) is not barred by any law or regulation in Nigeria from voting

Qualification for Registration as a Voter

(2) Nobody should register in more than one place or register more than once in the same place.

(3) Anybody who registers in more than one place or registers more than once in the same place has committed an offence for which he or she will pay a fine of up to N100,000 or be imprisoned for up to one year or both.

14. (1) Before the election, any person living in a constituency different from the one in which he or she registered can apply to the Resident Electoral Commissioner of the State where he or she is now living for his name to be entered on the Transferred Voters List for the constituency

Changing Constituency of Registration

(2) An application should include the applicant's voters' card and should be made not less than 30 days before the date of an election in the constituency where the applicant is living.

(3) The Resident Electoral Commissioner to whom an application is made shall direct that the applicant's name should be entered in the Transferred Voters' List if he is satisfied that the applicant lives in a polling area in the constituency and is registered in another constituency.

(4) Whenever an Electoral Officer enters the name of any person on the

Transferred Voters' List for his constituency he shall-

(a) assign that person to a polling station or a polling area in his Constituency and indicate in the list the Polling area or polling station to which that person is assigned;

(b) Issue the person with a new voters' card; and

(c) Send a copy of the entry to the Electoral Officer of the constituency where the person was originally registered and after receiving the entry, that Electoral Officer shall delete the name from his voters' list.

15. In the performance of his or her duties under this Act, a registration officer and an update officer shall -

(a) ask the applicant for any information necessary to enable him decide whether the applicant is qualified to be registered as a voter; and

(b) ask any voter or applicant to fill an application form for the registration. In the case of an illiterate or disabled person the application form may be filled by the registration officer if the applicant requests.

Demand for information regarding registration

16. The Commission shall print a voters' register for each State and any person or political party may get certified copies of any voters' register for the State or Local Government/Area Council or Registration Area within it from the Commission after paying such charges,

Power to print and issue register of voters.

17. (1) The Commission shall design, print and control the issuance of voters' cards to voters whose names appear in the register.

Power to print and issue voters' cards

(2) No voter shall have more than one valid voter's card.

(3) Any person who has more than one valid voter's card has committed an offence and will pay a fine of not more than N100,000 or be imprisoned for not more than one year or both.

Offence of Possession of more than one Voter's Card

(4) The Commission may, whenever it thinks necessary, replace all or any voters' cards being held by voters.

18. Each Electoral Officer shall keep the voters register for his Local Government Area under the general supervision of the Resident Electoral Commission.

Custody of voter's register.

19. (1) Whenever a Voter's card is lost, destroyed, defaced, torn or damaged in any other way, the voter shall, at least 30 days before polling day, apply personally to the Electoral Officer or any other officer authorized by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage.

Power to issue duplicate voters' cards.

(2) If the Electoral Officer or any other officer is satisfied about the circumstances of the loss, destruction, defacement or damage of the

Voter's card, he shall issue to the voter another copy of the voter's original voter's card with the word "DUPLICATE" printed on it, showing the date of issue.

(3) No person shall issue a duplicate voter's card to any voter on polling day or within 30 days before polling day.

(4) Any person who issues a duplicate voters card on polling day or 30 days before polling day has committed an offence will pay a fine of not more than N200,000 or be imprisoned for not more than two years or both.

20. (1) The Commission shall announce a period of between 5 and 14 days, during which a copy of the voters' register for each Local Government Area or Ward will be displayed for public inspection and during which period any objection or complaint on the names omitted or included in the voters' register or on any necessary correction, shall be raised or filed.

Display of Voters' Register for complaint

(2) During the period of the display of the new Voters' list, any person may:

(a) raise an objection on the form prescribed by the Commission over the inclusion in the new Voters' register of the name of any person on the ground that the person is not qualified to be registered as a voter in the State, Local Government Area, Ward or Registration Area or that the name of a deceased person is included in the register; or

(b) make a claim on the form prescribed by the Commission that the name of a person registered to vote has been omitted.

(3) Any objection or claim should be addressed to the Resident Electoral Commissioner through the Electoral Officer in charge of the Local Government Area.

21. Not later than 60 days before a general election, the new voters' list shall be added to the old voters' register and published

Time for publication of supplementary voter's register

22. (1) The Commission may appoint any person as a Revision Officer to decide claims for and objection to any entry in or omission from the voters' list and may appoint any number of persons necessary to assist the Revision Officer.

Revision officer for hearing of claims, etc.

(2) Anyone unhappy with the decision by a Revision Officer or persons assisting him or her, shall within 7 days, appeal against the decision of the Resident Electoral Commissioner in charge of that State whose decision shall be final.

23. The Commission is the owner of any voters' card issued to any voter.

Proprietary rights in the voters' card

24. Any person who -

Offences of Selling or Buying Voter's

(a) unlawfully has any voter's card, whether blank or issued in the name of any voter; or

Card

(b) sells or attempts to sell any voters card, whether blank or issued in the name of any voter; or

(c) buys or offers to buy any voter's card, whether for him/herself or on behalf of any other person, has committed an offence and will pay a fine of not more than N200,000 or be imprisoned for not more than two years or both.

25. (1) Any person who-

Offences relating to registration of voters.

(a) makes a false statement while applying for registration as a voter;

(b) is asked and without a good excuse fails to give any information he or she has or does not give the information within the time specified;

(c) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter for that other person registered as a voter;

(d) transmits or is involved in transmitting to any person as genuine a declaration on registration which is false in any material aspect;

(e) by himself or through any other person registers himself or any other person on a voters' register for a State, knowing that he or that other person is not entitled to be registered on that voters' register or is already registered on it or on another voters' register;

(f) by himself or through any other person registers a fictitious person, has committed an offence and will pay a fine of not more than N100,000 or be imprisoned for not more than one year or both.

(2) Any person who:

(a) by constraint, including threats of any kind, makes or induces any person to refrain from registering as a voter or voters;

(b) in any way hinders another person from registering as a voter, has committed an offence and will pay a fine of not more than N500,000 or be imprisoned for not more than five years.

PART IV PROCEDURE AT ELECTION

26. Elections into the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the Membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation and Chairman and Vice-Chairman and Membership of an Area Council shall be held on the dates to be appointed by the Independent National Electoral Commission.

Days of Election

27. (1) Where a date has been fixed for an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is held on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the

Postponement of election.

election and fix another date for the postponed election in the affected areas.

(2) Where an election is postponed on or after the last date for the submission of nomination papers, and a poll has to be conducted between the nominated candidates, the Electoral Officer shall, on a new date being fixed for the election, proceed as if the date fixed was the date for the poll between the candidates.

(3) Where the Commission fixes a substituted date, there shall be no return for the election until polling has taken place in the affected area or areas.

(4) Regardless of Section 27(3), the Commission may, if it is sure that the result of the election will not be affected by voting in the area or areas in which substituted dates have been fixed, direct that a return of the election be made.

(5) The decision of the Commission under Section 27(4) may be challenged by any of the contestants in a Court of Law or Tribunal which has jurisdiction and if there is such a challenge, the decision shall be suspended until the matter is decided.

28. (1) The Electoral Officer shall act as Returning Officer for election to the office of Chairman of Area Council.

Announcement of election results

(2) Results of all the elections shall be announced by-

- (a) the Presiding Officer at the Polling Station;
- (b) the Ward Returning Officer at the Ward Collation Centre;
- (c) the Returning Officer, at the Local Government/Area Council;
- (d) the Returning Officer at the State Constituency Collation Centre;
- (e) the Returning Officer at the Federal Constituency Collation Centre;
- (f) the Returning Officer at the Senatorial District Collation Centre;
- (g) the Resident Electoral Commissioner who shall be the Returning Officer at the Governorship election; and
- (h) the Chief Electoral Commissioner who shall be the Returning Officer at the Presidential election.

29. (1) All staff appointed by the Commission to conduct an election shall affirm or swear before the High Court an Oath of Neutrality as contained in the second schedule to this Act.

Oath of Neutrality by election officers

(2) All Electoral officers, Presiding Officers, Returning Officers and all staff appointed by the Commission to conduct an election shall affirm or swear an Oath of Loyalty and Neutrality indicating that they would not

accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interests of Nigeria, without fear or favour.

30. (1) The Commission shall for the purposes of an election or registration of voters appoint the officers required, except that no person who is a member of a Political Party or who has openly expressed support for any candidate shall be appointed.

Appointment of other officers for the conduct of registration of voters and elections.

(2) The Officers appointed shall perform the functions and duties specified by the Commission and shall not be under the direction or control of any person or authority other than the Commission.

31. (1) The Commission shall not later than 150 days before the day fixed for the holding of an election publish a notice in each State and the Federal Capital Territory-

Notice of Elections

- (a) stating the date of the election; and
- (b) announcing the place at which nomination papers are to be submitted.

(2) The notice shall be published in each constituency in which an election is to be held.

(3) In the case of a by-election, the Commission shall, not later than 14 days before the date fixed for the election, publish a notice stating the date of the election.

32. (1) Every political party shall not later than 120 days before the date fixed for a general election, submit to the Commission the list of the candidates the Party wants to sponsor at the elections.

Submission of list of candidates and their affidavits by political parties.

(2) The list shall be accompanied by an Affidavit sworn to by each candidate at the High Court of a State, indicating that he has fulfilled all the constitutional requirements for election into that office.

(3) The Commission shall, within 7 days of the receipt of the personal particulars of the candidate, publish them in the constituency where the candidate intends to contest the election.

(4) Any person who reasonably believes that any information given by a candidate in the Affidavit is false may file a suit at the High Court of a State or Federal High Court seeking a declaration that the information in the Affidavit is false.

(5) If the Court decides that any of the information contained in the Affidavit is false the Court shall issue an Order disqualifying the candidate

from contesting the election.

(6) A Political Party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section, shall be guilty of an offence and will pay a maximum fine of N500,000.00.

(7) Every political party shall not later than 14 days before the date fixed for a bye-election submit the list of candidates from the party for the bye-election.

33. (1) A candidate standing for an election under this part of the Act shall be nominated in writing by the number of persons prescribed by the Commission and whose names appear on the register of voters in the constituency.

Nomination of
Candidates for
Elections

(2) No person shall nominate more than one person for an election to the same office.

Prohibition of Double
Nomination

(3) Any person who nominates more than one person for election to the same office has committed an offence and will pay a maximum fine of N50,000 or be imprisoned for three months or both but his action will not invalidate the nomination.

34. (1) A Political Party intending to change any of its candidates for any election shall inform the Commission of such change in writing not later than 60 days to the election.

Political Parties
changing candidates

(2) Any application to change a candidate for election shall give cogent and verifiable reasons.

(3) Except in the case of death, there shall be no substitution or replacement of any candidate whatsoever less than 60 days to the election.

35. The Commission shall, at least 30 days before the day of the election display at the places fixed for the submission of nomination paper and other places as it deems fit, a statement of the full names of all candidates standing nominated.

Publication of
nomination.

36. (1) A candidate may withdraw his candidature by notice in writing signed by him and submitted by him to the Political Party that nominated him for the election and the Political Party shall convey the withdrawal to the Commission and this shall only be allowed not later than 70 days to the election.

Withdrawal of
Candidate

(2) Where the Commission is satisfied that a candidate has withdrawn, his Political Party shall be allowed to nominate another candidate not later than

60 days before the date of election.

37. (1) If after the time for the submission of nomination papers and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, if satisfied of the fact of the death, cancel the poll in which the deceased candidate was to participate and the Commission shall fix another convenient date for the election.

Death of a candidate

(2) The list of voters to be used at a postponed election shall be the official register of voters, which was to be used if the election had not been postponed.

38. Where a candidate knowingly allows himself to be nominated by more than one political party and or in more than one constituency his nomination shall be void.

Invalidity of multiple nomination.

39. If at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election.

Failure of Nomination.

40. Subject to any other provisions of this Act, if after the latest time for the submission of nomination papers and the withdrawal of candidates for an election, more than one person remains validly nominated, a poll shall be taken.

Contested Election.

41. A poll must be held in the following circumstances:

(a) in an election to the office of President or Governor of a State, whether or not only one person is validly nominated for the office; and

(b) in an election for any other office, if after the expiry of the time for submission of nomination papers there is more than one person standing nominated.

When poll is required.

42. (1) If after the expiration of time for submission of nomination papers and withdrawal of candidates and the extension of time there is only one person whose name is validly nominated for an election, apart from the office of the President or Governor, that person shall be declared elected.

Uncontested Elections

(2) Where a person is declared elected under the provision of Section 42(1), a declaration of Result Form shall be completed and a copy issued to the person by the Returning Officer while the original of the form shall be returned to the Commission as in the case of a contested election.

43. The Commission shall establish sufficient number of Polling Stations in each Registration Area and shall allot voters in such Polling Stations.

Establishment of polling stations.

44. The Commission shall provide suitable boxes for the conduct of elections. Ballot Boxes

(1) The forms to be used for conducting elections to the offices mentioned in section 47 and election petitions arising from the elections shall be determined by the Commission.

(2) The Polling Agents shall be present at the distribution of the election materials from the office to the polling booth.

45. (1) The Commission shall prescribe the format of the ballot papers which shall include the symbol of the Political Party of the candidate and any other information it may require. Format of ballot papers.

(2) The ballot papers shall be bound in booklets and numbered serially with different colours for each office being contested.

46. (1) Each Political Party may appoint a person (“Polling Agent”) to be present at each polling unit in the Local Government/Area Council for which it has candidate. The appointment should be done by a written notice to the Electoral Officer of the Local Government/Area Council and should contain the name and address of the polling agent and be given to the Electoral Officer at least 7 days before the date of the election. Polling Agents

But no person serving as Chairman or member of a Local Government or Area Council, Commissioner of a State, Deputy Governor, or Governor of a State, Minister or any other person holding political office under any tier of Government and who has not resigned his appointment at least 3 months before the election shall serve as a polling agent of any Political Party, either at the polling station or at any centre for collation of results

47. The Commission shall, not later than 14 days before the day of the election, publish as it may deem fit, a notice specifying the following matters: Notice of Poll

- (a) the day and hours fixed for the poll;
- (b) the persons entitled to vote; and
- (c) the location of the polling stations.

48. Voting in any particular election shall take place on the same day and time throughout the country. Hour of Poll.

49. (1) At the hour fixed for opening of the poll, before the commencement of voting, the Presiding Officer shall open the empty ballot box and show it to the persons present at the Polling Station and then close and seal the box in a manner to prevent its being opened by unauthorized persons. Display of Ballot Boxes

(2) The ballot box shall then be placed where every person present can see it, and be kept like that until the close of poll.

50. (1) Every person who wants to vote shall present himself to a Presiding Officer at the polling unit in the constituency in which his name is registered with his voter's card.

Procedure for Voting

Issue of Ballot Papers.

(2) The Presiding Officer shall, on being satisfied that the name of the person is on the Register of Voters, issue him a ballot paper and indicate on the Register that the person has voted.

51. A candidate or a Polling Agent may challenge the right of a person to receive a ballot paper on the grounds and according to the procedures provided in this Act.

Right to challenge issue of Ballot Paper.

52. The Presiding Officer shall separate the queue between men and women if in that area of the country the culture does not permit the mingling of men and women in the same queue

Separate queues for men and women.

53. (1) Voting at an election shall be by open secret ballot.

Method of Voting
Conduct of Poll by
Open Secret Ballot.

(2) The use of Electronic voting Machine is banned at the present time.

(3) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.

(4) All ballots at an election at any Polling Station shall be deposited in the ballot box in open view of the public.

54. (1) No voter shall vote for more than one candidate or record more than one vote for any candidate at any one election.

Over voting.

(2) Where the votes cast at an election in any constituency or polling station exceeds the number of registered voters in that constituency or polling station, the election for that constituency or polling station shall be declared null and void by the Commission and another election shall be conducted at a date to be fixed by the Commission.

(3) Where an election is nullified in accordance with Section 54(2), there shall be no result for the election until another poll has taken place in the affected area.

(4) Regardless of the provisions of Sections 54(2) and (3), the Commission may, if it is satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that

results should be announced.

55. (1) Where a voter makes any writing or mark on a ballot paper by which he may be identified, the ballot paper shall be rejected.

Ballot not to be marked by voter for identification.

(2) The Commission shall use indelible ink for any thumb mark by voters on ballot papers.

56. A voter who accidentally deals with his ballot paper in a manner that it may not be conveniently used for voting, may submit it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt he shall issue another ballot paper to the voter in place of the ballot paper, and the spoilt ballot paper shall be immediately marked cancelled by the Presiding Officer.

Accidental Spoiling of Ballot Papers

57. (1) A voter who is blind or unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a person chosen by him and the person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting booth and assist the voter to make his mark according to the procedure prescribed by the Commission.

Blind or Incapacitated Voters

(2) The Commission may take reasonable steps to ensure that voters with disabilities are assisted at the polling place by the provision of suitable means of communication, such as Braille, large embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases.

58. No voter shall record his vote except by personally attending at the Polling Station and recording his vote in the manner prescribed by the Commission.

Personal attendance.

59. No person shall be permitted to vote at any polling station or unit other than the one to which he is allotted.

Voting at appropriate Polling Station.

60. (1) If at the time a person applies for a ballot paper and before he has left the polling station or unit, a polling agent, polling station official or security agent informs the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the police officer to act.

Impersonation by Applicant for ballot paper.

(2) A person over whom a polling agent, polling official, or security agent gives information shall not because of the information, be prevented from

voting, but the Presiding Officer shall write the words "*protested against for impersonation*" against his name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person against whom a protest is made admits to the Presiding Officer that he is not the person he said he was, he shall not be permitted to vote and shall be handed over to the Police.

61. (1) If a person claiming to be entitled to vote applies for a ballot paper after some other person has voted in the name given by him he shall, upon satisfactory answers given to any questions put to him by a poll clerk be entitled to receive a ballot paper in the same manner as any other voter; but the ballot paper ("the tendered ballot paper") shall be of a colour different from the ordinary ballot papers.

Tendered Ballot Paper.

(2) The Presiding Officer shall ask the voter to submit the tendered ballot paper to him instead of allowing it to be put in the ballot box, and the Presiding Officer shall endorse on it the name of the voter and his number in the register of voters.

(3) The ballot paper shall on submission to the Presiding Officer and in the view of all present be set aside by the Presiding Officer in a packet intended for tendered votes and the tendered ballot paper shall be counted by the Returning Officer.

(4) The Presiding Officer shall, when he tenders a ballot paper, enter the name of the voter and his number in the register of voters on the list to be called tendered vote list and the tendered vote list shall be produced in any legal proceedings arising out of the election.

62 (1) The Presiding Officer shall regulate the admission of voters to the polling station and shall exclude all persons other than the candidates, polling agents, poll clerks and persons entitled to be admitted including accredited observers, and the Presiding Officer shall keep order and comply with the requirements of this Act at the polling station.

Conduct at Polling Stations/
Regulations of Voters to Polling Station

(2) The Presiding Officer may order a person to be removed from a polling station or unit, who behaves in a disorderly manner or fails to obey a lawful order.

Removal of Persons from Polling Stations

(3) A person removed from a polling station or unit shall not, without the permission of the Presiding Officer, again enter the polling station or unit during the day of the election.

(4) The provisions of Section 62(3) shall not be enforced to prevent a voter who is otherwise entitled to vote at a polling station or unit from having an

opportunity of voting.

(5) In the absence of the presiding officer, the Poll Clerk shall exercise all the powers of the Presiding Officer for a Polling Station or Unit.

63. (1) At the time specified for the close of poll, the Presiding Officer shall declare the poll closed and no persons shall be allowed into the Polling Station and only those already inside the Polling Station shall be allowed to vote.

Closing of Poll.

(2) After the declaration of the close of polls, no voter already inside the polling station shall be permitted to remain in the polling station unless otherwise authorized under this Act.

64. (1) The Presiding Officer shall, after counting the votes at the polling station or unit, enter the votes scored by each candidate in a form prescribed by the Commission.

Counting of votes and forms.

(2) The Form shall be signed and stamped by the Presiding Officer and counter-signed by the candidates or their polling agents where available at the Polling Station.

(3) The Presiding Officer shall give the Polling Agents and the police officer where available a copy each of the completed Form after it has been duly signed.

(4) The Presiding Officer shall count and announce the result at the Polling Station.

65. A candidate or a Polling Agent can when the counting of votes is completed by the Presiding Officer, demand to have the votes recounted and the presiding Officer shall have the votes recounted only once.

Recount.

66. After the recording of the result of the election, the Presiding Officer shall announce the result and submit it and election materials under security to the persons assigned by the Commission

Post-election procedure and collation of election results.

67. (1) A ballot paper, which does not bear the official mark, shall not be counted.

Rejection of Ballot Paper without official mark.

(2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was given to the Presiding Officer of the polling station in which the vote was cast for use at the election, he shall, regardless of the absence of the official mark, count that ballot paper.

68. (1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under section 55 and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

Endorsement on Rejected Ballot Paper without official mark.

(2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a polling agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial numbers, and he shall on request allow a candidate or a Polling Agent to copy the statement.

69. The decision of the Returning Officer about:

(a) an unmarked ballot paper;

(b) a rejected ballot paper; and

(c) a declaration of scores of candidates and the return of a candidate, shall be final subject to review by a tribunal or Court in an election petition proceedings.

Decision of Returning Officer on Ballot Paper.

70. In an election to the office of the President or Governor whether or not contested and in any contested election to any other elective office, the result shall be ascertained by counting the votes cast for each candidate. Subject to sections 133, 134 and 179 of the Constitution, the candidate that receives the highest number of votes shall be declared elected by the Returning Officer.

Declaration of Results

71. Where two or more candidates have equal number of votes as the highest in an election, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a date to be fixed by the Commission.

Equality of votes.

72. The Commission shall post on its notice board and website, a notice showing-

(a) the candidates at the election and their scores; and

(b) the person declared as elected or returned at the election.

Posting of Results

73. The Chief Electoral Commissioner or any officer authorized by him shall keep custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the Returning Officers.

Custody of documents

74. The Commission shall issue and publish in the Gazette, guidelines for the elections which shall provide, among other things, for the step by step

Step by step recording of poll.

recording of the poll in the electoral forms beginning from the polling station or unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

/ Publication of Guidelines for Elections

75. Every Result Form completed at the Ward, Local Government, State and National levels or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and polling agents at those levels and copies given to the police officers and the polling agents, where available.

Result forms to be signed and countersigned.

76. (1) A sealed Certificate of Return at an election in a prescribed form shall be issued within 7 days to every candidate who has won an election. But where the Court of Appeal or the Supreme Court, as the final Appellate Court in any election petition, nullifies the Certificate of Return of any candidate, the Commission shall within 48 hours after the receipt of the order of the Court issue the successful candidate with a valid Certificate of Return.

Certificate of Return at Election.

(2) Where the Commission refuses or fails to issue a certificate of return, a certified true copy of the Order of a Court of Competent Jurisdiction shall be enough for the purpose of swearing- in a candidate declared as the winner by that Court.

Order of Court as Certificate of Return

77. The forms to be used for the conduct of election to the offices mentioned in Section 41 of this Act and for election petition arising from such elections shall be determined by INEC

Forms for use at election.

PART V Political Parties

78. (1) Any political association which complies with the provisions of the Constitution and this Act for the purposes of registration shall be registered as a political party. But the application for registration as a political party shall be submitted to the Commission not later than 6 months before a general election.

Powers of the INEC to register Political Parties.

(2) The Commission, when it receives documents stipulated by the Constitution shall immediately issue the applicant with a letter of acknowledgement stating that all the necessary documents had been submitted to the Commission.

(3) Any political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 30 days from the date of receipt of the application and if after the 30 days the Association is not registered by the Commission it shall be regarded as registered.

Automatic Registration as Political Party After 30 days of Application

(4) If the Association has not fulfilled all the conditions under this section, the Commission shall within 30 days from the receipt of application notify the Association in writing stating the reasons.

(5) Any Association which through the submission of false or misleading information is given a certificate of registration shall have such certificate cancelled.

False Information in Application

(6) No application for registration as a political party shall be processed unless there is evidence that the administrative fee fixed from time to time by the Commission has been paid.

Administrative Fee for Registration

79. The decision of the Commission not to register any association as a political party may be challenged in a court of law. But any suit challenging the decision shall be filed within 30 days from the date of receipt of the letter of notification of non-registration from the Commission.

Decision of the Commission subject to judicial review..

80. Every Political Party registered under this Act is a legal organization which can sue and be sued in its corporate name.

Political Parties to be bodies corporate.

81. (1) Any political party or association, which violates the provisions of section 227 of the Constitution is guilty of an offence and if convicted, will pay a fine of:

Offence of Violating Section 227 of the Constitution

(a) N 500,000.00 for the first offence;

(b) N 700,000.00 for any subsequent offence; and

(c) N 50,000 for every day that the offence continues.

(d) forfeit the grant due it from the Commission for the year in which the offence was committed, and for every year in which the offence continues.

(2) Any person or group of persons who helps a political party in contravening the provisions of section 227 of the Constitution shall be guilty of an offence and if convicted be liable to a fine of N500,000 or 3 years imprisonment or both.

82. (1) The Commission shall keep a register of symbols for use at elections.

Registration of Political Party Symbols

(2) The Commission shall register the symbol of a political party if it is satisfied that:

(a) no other symbol of the same design is registered;

(b) the symbol is different from any other symbol already registered; and

(c) its use will not be offensive or otherwise objectionable.

- (3) The Commission shall remove a symbol from the register of symbols if:
- (a) the political party in whose name it is registered requests the removal; or
 - (b) the Commission is of the opinion that the political party in whose name the symbol is registered has ceased to exist or to use the symbol.

- (4) This section does not authorize the allotment or registration for use at any election of a symbol or material as symbol of a party, if it portrays:
- (a) the Coat of Arms of the Federation;
 - (b) the Coat of Arms of any other country;
 - (c) any device or emblem which in the opinion of the Commission is normally associated with:-
 - (i) the official acts of Government;
 - (ii) any of the Armed Forces of the Federation or the Nigerian Police Force or other uniformed service;
 - (iii) the regalia of a chief;
 - (iv) any tribe or ethnic group;
 - (v) any religion or cult;
 - (vi) any portrait of a person living or dead.
 - (d) any symbol or part of a symbol which continues to be registered by another political party.

Symbols that Cannot be Used by Political Parties

(5) Subject to the provisions of this section, the symbol allotted to a political party and in use immediately before the coming into force of this Act shall continue to be available to, and be used by, that political party without payment of the fee mentioned in Section 82(2).

83. Where a symbol is registered by a political party, the Commission shall allot the symbol to any candidate sponsored by the political party at any election.

Allocation of Symbols.

84 (1) Any two or more registered political parties may merge with the approval of the Commission following a formal request presented by the political parties.

Merger of Political Parties

(2) Political Parties intending to merge shall each give to the Commission 6 months notice of their desire to do so before a general election.

(3) The written request for merger shall be sent to the Chairman of the Commission and shall be signed jointly by the National Chairman, Secretary and Treasurer of the different Political Parties proposing the merger and shall be accompanied by:

- (a) a special resolution passed by the National Convention of each of the parties, approving the merger;
- (b) the proposed full name and acronym, Constitution, manifesto,

symbol or logo of the party together with the addresses of the National office of the merged party; and

(c) evidence of payment of administrative costs of N100,000 or as may be fixed from time to time by an Act of the National Assembly.

(4) On receipt of the request for merger of any Political Parties the Commission shall consider the request; and if the parties have fulfilled the requirements of the Constitution and this Act, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of 30 days from the date of the receipt of the formal request.

(5) Where the request for the proposed merger is approved, the Commission shall withdraw and cancel the certificates of registration of all the Political Parties opting for the merger and substitute a single certificate of registration in the name of the merged Party.

(6) Regardless of Section 84(2) the Commission will not consider a request for the merger of Political Parties received less than 6 months before any general election.

85. (1) Every registered political party shall give the Commission at least 21 days notice of any convention, congress, conference or meeting convened to elect members of its executive committees, other governing bodies or nominate candidates for any of the elective offices specified under this Act.

Notice of Party
Convention,
Congress, etc.

(2) The Commission may with or without prior notice to the political party attend any convention, congress, conference or meeting which is convened by a political party to:

- (a) elect members of its executive committees or other governing bodies;
- (b) nominate candidates for an election at any level;
- (c) approve a merger with any other registered political party.

(3) Notice of any congress, conference or meeting to nominate candidates for Area Council elections shall be given to the Commission at least 21 days before the congress, conference or meeting.

86. (1) The Commission shall monitor and keep records of the activities of all the registered political parties.

Monitoring of
Political Parties.

(2) The Commission may seek information or clarification from any registered political party about any activities of the political party which may be contrary to the provisions of the constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.

(3) The Commission may direct its enquiry under Section 86(2) to the Chairman or Secretary of the Political Party at the National, State, Local Government or Area Council or Ward level.

(4) A Political Party which fails to provide the required information or clarification under Section 86(2) or carry out any lawful directive given by the Commission under this section is guilty of an offence and will pay a fine of not less than N500,000.00.

87. (1) Any Political Party that:

(a) holds or possesses any fund outside Nigeria in violation of section 225(3)(a) of the Constitution has committed an offence and shall forfeit the funds or assets to the Commission and if convicted shall pay a fine of not less than N500,000.00;

(b) retains fund or other asset remitted to it from outside Nigeria in violation of section 225(3)(b) of the Constitution is guilty of an offence and shall forfeit the funds or assets to the Commission and if convicted shall pay a fine of not less than N 500,000.00.

Offences in relation to finances of a Political Party.

(2) Any Political Party that violates the provisions of Section 87(1) shall not be eligible to receive a grant under section 91 of this Act.

88. (1) Every political party shall submit to the Commission a detailed annual statement and analysis of its sources of funds and other assets, and a statement of its expenditure.

Period to be covered by Annual Statement.

(2) The Statement of Assets and Liabilities shall be for the period 1st January to 31st December each year, and in the year which this Act comes into operation, it shall be for the period beginning with the registration of the party and ending on 31st December.

(3) Every political party shall grant to any officer authorized in writing by the Commission, access to examine the records and audited accounts of the political party and the political party shall give to the officer all information it may request for all contributions received by or on behalf of the party.

(4) The Commission shall publish the report on the examinations and audit in three National Newspapers.

89. (1) The statement on the election expenses of a political party as prescribed in section 94 of this Act shall be submitted to the Commission in a separate audited account not later than 90 days from the date of the election.

Statement as to election expenses.

(2) Any political party which breaches this section is guilty of an offence and will pay a maximum fine of N1,000,000 and for failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of N200,000 per day on any party for the period after the return was due until it is submitted to the Commission.

90. The National Assembly may approve a grant for disbursement to the political parties contesting elections after the coming into force of this Act.

Grants to Political Parties for election.

91. (1) The National Assembly may make an annual grant to the Commission for distribution to the registered political parties to assist them in their operation.

Annual grants to Political Parties for their operations.

(2) The Commission shall distribute such grant as follows:

(a) 10% of the grant shall be shared equally among all the registered political parties.

(b) The remaining 90% of the grant shall be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly.

92. (1) The Commission has the power to limit the amount of money or other assets, which an individual or group of persons can contribute to a political party.

Power to limit on Contributions to Political Parties

(2) Every political party shall maintain a record of all contributors and the amounts contributed.

93. (1) Election expenses shall not exceed the sum stipulated below:

Limitation on election expenses

(2) The maximum election expenses by a candidate at a presidential election shall be N500,000,000.

(3) The maximum election expenses by a candidate at a Governorship election shall be N100,000,000.

(4) The maximum amount of election expenses for a senatorial seat by a candidate at an election to the National Assembly shall be N20,000,000, while a seat for House of Representative shall be N10,000,000.

(5) In the case of State Assembly election, the maximum amount of election expenses shall be N5,000,000

(6) In the case of Chairmanship election, the maximum amount of election expenses shall be N5,000,000.

(7) In the case of Councillorship election the maximum amount of election

expenses shall be N500,000.

(8) In determining the total expenditure incurred in the candidature of any person at any election the following will not be included:

- (a). any deposit made by the candidate on his/her nomination in compliance with the law
- (b) any expenditure incurred before the announcement of the date for the election with respect to services rendered or material supplied before the announcement.
- (c) Political party expenses of the candidate standing for a particular election.

(9) No individual or other entity shall donate more than N1, 000,000 to any candidate.

Limits on Donations to Candidates

(10) A candidate who knowingly violates this section has committed an offence and if convicted is liable :

- (a) for a presidential election to a maximum fine of N1,000,000.00 or imprisonment for 12 months or both.
- (b) for a governorship election to a fine of N800,000.00 or imprisonment for 9 months or both;
- (c) for a senatorial seat in the National Assembly election to a fine of N600,000.00 or imprisonment for 6 months or both;
- (d) for a House of Representatives seat in the National Assembly election to a fine of N500,000.00 or imprisonment for 5 months or both;
- (e) for a State House of Assembly election to a fine of N300,000.00 or 3 months imprisonment or both;
- (f) for a Chairmanship election to a fine of N300,000.00 or 3 months imprisonment or both; and
- (g) for a Councillorship election to a fine of N100,000.00 or 1 month imprisonment or both.

(11) Any individual who knowingly violates Section 93(9) shall pay a maximum fine of N500,000.00 or be imprisoned for 9 months or both.

Falsification of Donations or Election Expenditure

(12) Any Accountant who falsifies or conspires or aids a candidate to forge or falsify a document on his expenditure at an election or receipt or donation for the election or in any way helps in the violation of the provision of this section has committed an offence and will be imprisoned for 10 years.

94. (1) "Election expenses" means expenses incurred by a political party from the date the Commission announces the conduct of an election up to the polling day.

Election expenses of political parties.

(2) Election expenses incurred by a political party for the management or the conduct of an election shall be determined by the Commission in consultation with the political parties.

(3) Election expenses of a political party shall be submitted to the Commission in a separate audited return within six months after an election and such account shall be signed by the party's auditors and counter-signed by the Chairman of the Party and be supported by a sworn affidavit by the signatories on the correctness of its contents.

(4) The account shall show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and commercial value of goods and services received for election purposes.

(5) The political party shall publish the account in at least two National Newspapers.

(6) Any political party which incurs election expenses beyond the limit stipulated in this Act is guilty of an offence and will pay up to a maximum fine of N1,000,000.00 and forfeit the excess amount to the Commission.

(7) The Commission shall make available for public inspection during regular business hours at its Headquarters and state offices the audited accounts of the political parties, which shall include the names, addresses, occupation, and amount contributed by each contributor to a party.

Public Inspection of
Party Accounts

95. (1) No political party shall accept or keep in its possession any anonymous monetary or other contributions, gifts, properties, etc from any source whatsoever.

Disclosure by
political parties.

(2) Every political party shall keep an account and asset book which shall be used to record:

(a) all monetary and other forms of contribution received by the party;
and

(b) the name and address of any person or entity that contributes any money or other thing which exceeds N1,000,000.00

(3) No political party shall accept any monetary or other contribution exceeding (N100,000) unless it can identify the source of the money or other contribution to the Commission.

(4) Every political party sponsoring the election of a candidate shall, within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission.

96. (1) For the proper and peaceful conduct of political rallies and

Conduct at political

processions, the Commissioner of Police in each state and the Federal Capital Territory, Abuja, shall provide adequate security for processions at political rallies in the states and the Federal Capital Territory, Abuja.

rallies, and processions, etc.

(2) A person present at a political rally or procession or voting centre who has with him any offensive weapon or missile except for a lawful duty is guilty of an offence and will pay a maximum fine of N100,000 or be imprisoned for 2 years or both.

Prohibition of Weapons at Rallies

(3) A person is regarded to be on lawful duty if he is acting in his capacity as a police officer or as a member of a security agency authorized to carry arms and is specifically posted to be present at that political rally or procession.

97. (1) No political campaign or slogan shall use abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings.

Prohibition of certain conducts, etc. at Political Campaigns.

(2) Abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns.

(3) Places meant for religious worship, police station, and public offices shall not be used-

Prohibition of Use of Certain Places for Rallies

- (a) for political campaigns, rallies and processions; or
- (b) to promote, propagate or attack political parties, candidates or their programmes or ideologies.

(4) Masquerades shall not be employed or used by any political party, candidate or person during political campaigns or for any other political purpose.

Prohibition of Masquerades in Campaigns

(5) No political party or member of a political party shall retain, organize, train or equip any person or group of persons to enable them to be employed for the use or display of physical force or coercion in promoting any political objective or interests, or in a manner to arouse reasonable fear that they are organized, trained or equipped for that purpose.

Prohibition of Use or Display of Force for Political Purposes

(6) No political party, person or candidate shall keep or use private security organization, vanguard or any other group or individual by whatever name called to provide security, assist or aid the political party or candidate in any manner during campaigns, rallies, processions or elections.

Prohibition of Private Security Outfit

(7) A political party or person who violates any provision of this section is guilty of an offence and if convicted liable to:

- (a) for an individual, to a maximum fine of N50,000 or imprisonment

- for the term of 6 months; and
- (b) for a political party, to a fine of N500,000 in the first instance, and N1,000,000 for any subsequent offence.

98. (1) No candidate, person or group of persons shall directly or indirectly threaten any person with force or violence during any political campaign to compel that person or any other person to support or refrain from supporting a political party or candidate.

Prohibition of use of force or violence during political campaign.

(2) Any person or political party that contravenes this section is guilty of an offence and if convicted liable to:

- (a) for an individual, to a maximum fine of N50,000 or imprisonment for a term of six months; and
- (b) for a political party, to a fine of N250,000 in the first instance, and N500,000 for any subsequent offence.

99. Where a Political Party ceases to exist, a person elected on the platform of the Political Party in an election shall remain validly elected, complete his tenure, and, for purposes of identification, be regarded as a member of the political party under which he was elected.

Effect on elected officer where political party ceases to exist.

100. Any Political Party registered by the Commission under any law before the coming into force of the 1999 Constitution and this Act shall be regarded as duly registered under this Act

Existing political parties.

101. (1) The period of campaigning in public by every political party will begin 90 days before polling day and end 24 hours before that day.

Limitation on political broadcast and campaign by political parties.

(2) A registered Political Party which through any person acting on its behalf during the 24 hours before polling day:

- (a) advertises on the facilities of any broadcasting undertaking; or
- (b) procures for publication or condones the publication of an advertisement in a Newspaper, to promote or oppose a particular candidate, is guilty of an offence and may pay up to a maximum fine of N500,000.

102. (1) A government owned print or electronic medium shall give equal access on daily basis to all registered political parties or candidates of the political parties.

Limitation on Political Broadcast and Campaign by any other person.

(2) A denial of access and equal time constitutes an offence punishable in the first instance with a maximum fine of N500,000 and the withdrawal of the license of the offending electronic media house by the National Broadcasting Commission for a period of 12 months on any subsequent violation.

(3) A person other than a Political Party or a candidate who procures

any material for publication to promote or oppose a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills or any print or electronic medium whatsoever during 24 hours immediately preceding or on polling day is guilty of an offence and may pay up to a maximum fine of N50,000 or be imprisoned for 6 months or both.

103. (1) A candidate and his party shall campaign for the elections according to the rules and regulations set by INEC.

Campaign for election.

(2) State apparatus, including the media, shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

Prohibition of Use of State Apparatus

(3) Media time shall be allocated equally among the political parties at similar hours of the day.

Allocation of Equal Media Time to all Parties

(4) At any public electronic media, equal airtime shall be allotted to all political parties during prime times at similar hours each day, subject to the payment of appropriate fees.

(5) At any public print media, equal coverage and prominence shall be given to all political parties.

(6) Any public media that violates Section 103(3) and (4) shall be guilty of offence and may pay up to a maximum fine of N500,000 in the first instance and to a maximum fine of N1,000,000 for subsequent conviction.

104. (1) A person, print or electronic medium who broadcasts, publishes, advertises or circulates any material to promote or oppose a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic media whatsoever during 24 hours preceding or on polling day is guilty of an offence.

Prohibition of Broadcast, etc 24 hours preceding or on polling day.

(2) Where an offence under Section 104(1) is committed by a corporate body, every principal officer of that body is equally guilty of the offence.

(3) Where any person is convicted of an offence under this section he shall be liable:

(a) for a corporate body to a maximum fine of N500,000 and

(b) for an individual to a maximum fine of N100,000 or imprisonment for 12 months.

105. Any candidate, person or association who campaigns or broadcasts based on religious, tribal, or sectional bias to promote or oppose a

Campaign based on religion, tribe, etc.

particular political party or the election of a particular candidate, is guilty of an offence and if convicted shall be liable to a maximum fine of N100,000 or imprisonment for 12 months or to both.

PART VI

Procedure for Election to Area Council

106. (1) Elections into the offices of Chairman, Vice Chairman and a member of an Area Council and the recall of a member of an Area Council shall be directed and supervised by the Commission.

Power of the Commission.

(2) The Register of Voters compiled and the polling units established by the Commission and any other regulations, guidelines, rules or manuals issued or made by the Commission shall be used for elections into the Area Council or recall of a member.

107. (1) There shall be elected for each Area Council in the Federal Capital Territory a Chairman and Vice-Chairman.

Election to offices of Chairman, Vice-Chairman and Councillors

(2) There shall be a councilor for each electoral ward in an area council of the Federal Capital Territory.

108. (1) The Commission shall divide each Area Council into Electoral wards of not less than 10 and not more than 20 as the circumstance of each Area Council may require.

Division of Local Government Area and Area Council into Registration Area

(2) The boundaries of each ward shall be such that the number of inhabitants of the Electoral ward is as nearly equal to the population quota of the Electoral ward as is reasonably practicable.

(3) The Commission shall review the division of every Area Council into wards at intervals of not less than 10 years and may alter the Electoral ward to the extent it may consider desirable in the review.

(4) But the Commission may, at any time, carry out the review and alter the Electoral ward as it considers necessary based on any amendment to section 3 of the Constitution or any provision replacing that provision or because of the holding of a National Population Census.

109. A person shall be qualified for election if he or she:

Qualification to Stand for Election

- (a) is a citizen of Nigeria;
- (b) is registered as a voter;
- (c) has attained the age of 25 years for Councilor and 30 years for Chairman and Vice Chairman;
- (d) is educated up to at least the School Certificate level or its equivalent;
- (e) is a member of a political party and is sponsored by that party.

110 (1) A person shall not be qualified to contest an Area Council election if:

Disqual-
ification from
Standing for Election

- (a) he/she has voluntarily acquired the citizenship of a country other than Nigeria or, except in cases prescribed by the National Assembly, has made a declaration of allegiance to such a country;
- (b) he/she has been declared a lunatic or of unsound mind under any law in any part of Nigeria ;
- (c) he/she is under a sentence of death imposed by a competent court or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud or any other offence imposed on him by a court or tribunal constituted by a competent authority;
- (d) within a period of less than 10 years before the date of an election to the Area Council, he has been convicted and sentenced for an offence involving dishonesty or he/she has been found guilty of violating the Code of Conduct;
- (e) he/she has been declared bankrupt under any law in any part of Nigeria;
- (f) he/she is a person employed in the public service of the Federation or of any State or Area Council (other than a person holding elective office) and he has not resigned, withdrawn or retired from such employment 30 days before the date of election;
- (g) he/she is a member of any secret society;
- (h) he/she has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunal of Inquiry Law or any other Law by the Federal or State Government and the indictment has been accepted by the Federal or State Government;
- (i) he/she has within the preceding period of 10 years presented a forged certificate to the Commission;
- (j) he/she has been dismissed from the public service of the Federation, State, Local Government or Area council; or
- (k) he/she has been elected to such office at any two previous elections in the case of Chairman

(2) Where for any person who has been-

- (a) declared a lunatic;
- (b) declared to be of unsound mind;
- (c) sentenced to death or imprisonment; or
- (d) declared bankrupt,

Any appeal against the decision is pending in any court, section 110(1) will not apply beginning from the date when the appeal was filed up to the date when the appeal is finally decided or the appeal lapses or is abandoned.

(3) Under section 110(2), an “appeal” includes any application for an injunction or an order of certiorari, mandamus, prohibition, or habeas corpus, or any appeal from any such application.

111. (1) Election into all the Area Councils shall be held on the same date and day throughout the Federal Capital Territory.

Date of Area Council Elections and method of voting.

(2) Bye-elections to fill vacancies that occur in Area Councils shall be held within 30 days from the date the vacancy occurred.

Bye-Elections for Area Councils

(3) The date mentioned in section 111(1) shall not be earlier than 60 days before and not later than 30 days before the expiration of the term of office of the last holder of that office.

(4) Where there is a vacancy less than 3 months before the day on which the Area Council is to be dissolved there shall be no by-election to fill the vacancy.

(5) Where there is a vacancy more than 3 months before the day the Area Council is to be dissolved there shall be a bye-election to fill the vacancy not later than 30 days from the date the vacancy occurred.

(6) Voting shall be by open-secret ballot.

112. The procedure for filing nominations and the casting and counting of votes for Area Council elections shall be the same as for other elections under this Act.

Procedure for Area Council Elections.

113. (1) If after the expiration of time for the submission of nomination papers and the withdrawal of candidates for election of Councilors one candidate remains duly nominated, that candidate shall be declared unopposed.

Procedure for Nomination, etc.

(2) If after the expiration of time for the submission of nomination papers and the withdrawal of candidates for election of Councilors more than one candidate remains duly nominated, a poll shall be taken.

(3) Where at the close of nomination for election to the office of Chairman, only one candidate:

(a) has been nominated; or

(b) remains nominated because of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidate, the Commission shall extend the time for nomination by 7 days. But where after the extension, only one candidate remains validly nominated there shall be no further extension.

114. (1) A candidate for election to the Office of Chairman shall be regarded as duly elected to the office where as the only candidate nominated for the election he/she has:

- (a) a majority of YES votes over NO votes cast at the election; and
- (b) not less than one-third of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council. But where the only candidate fails to be elected as required by this subsection then there shall be fresh nomination.

(2) A candidate for election to the office of the Chairman shall be regarded as elected if there are only two candidates for the election-

- (a) he/she has a majority of the votes cast; and
- (b) he/she has not less than one-quarter of the votes cast in each of at least two-thirds of all the wards in the Area Council.

(3) If no candidate is duly elected under section 114(2), the State commission shall within 7 days conduct a second election between the two candidates, and the candidate who scored the majority of votes cast at the election shall be regarded duly elected at the election.

(4) A candidate for election to the office of Chairman shall be regarded as duly elected, if there are more than two candidates for the election;

- (a) he/she has the highest number of votes cast; and
- (b) he/she has not less than one-quarter of the votes cast in each of at least two-thirds of all wards in the Area Council.

(5) If no candidate is duly elected, there shall be a second election at which the only candidates shall be:

- (a) the candidate who scored the highest number of votes; and
- (b) one among the remaining candidates who has the majority of votes in the highest number of wards so long as where there are more than one candidate, the one among them with the highest total number of votes cast shall be the second candidate for the election.

(6) Where there is no candidate duly elected, the Commission shall within 7 days of the announcement of the result of the election arrange for another election between the two candidates and a candidate at the election shall be regarded as duly elected to the office of a Chairman of the Area Council if he/she has:

- (a) a majority of the votes cast; and
- (b) not less than one-quarter of the votes cast in each of at least two-thirds of all the wards in the Area Council.

(7) If no candidate is duly elected, arrangements shall be made within 7 days of the result of the last election, for another election between the two candidates specified in section 114(6), and a candidate at this last election

shall be regarded as duly elected to the office of Chairman of the Area Council if he scores a simple majority of votes cast.

115. (1) If a person duly elected as Chairman dies before taking the Oath of Allegiance and Oath of Office, the person elected with him as Vice-chairman shall be sworn in as Chairman and he/she shall then nominate and with the approval of a majority of the members of the Area Legislative Council appoint a new vice-chairman.

Death of Chairman before Oath of office

(2) Where the Vice-Chairman is appointed from among the Councilors as the new Vice-Chairman, the Commission shall conduct a bye-election to fill the vacant seat created in the Ward from which the new Vice-Chairman has been appointed.

(3) Where the persons duly elected as Chairman and Vice-Chairman of an Area Council die before taking the Oath of Allegiance and Oath of Office, the Commission shall within 21 days conduct an election to fill the vacancies.

116. An Area Council shall stand dissolved at the expiration of a period of three years commencing from the date-

Dissolution of Area Councils

- (a) when the Chairman took the oath of office; or
- (b) when the legislative arm of the council was inaugurated.

117. (1) A member of an Area Council shall vacate his seat in the Council-

Vacation of seat of members.

- (a) on the date given in his/her letter of resignation; or
- (b) if he/she takes up full time paid employment at any level of the government or in the private sector.
- (c) If he/she is a person whose election was sponsored by a Political Party, he/she resigns from that party or becomes a member of another Political Party before the expiration of the period for which the Area Council was elected;

So long as his/her membership of the new political party is not as a result of a division in his old political party or a merger of two or more political parties or a faction of his old political party; or

- (d) if he/she becomes a member of a secret society or does any other thing disqualifying him from holding the office of Chairman or Councilors; or
- (e) if the Leader of the Area Legislative Council receives a certificate signed by the Commission stating that the provisions of section 118 of this Act have been complied with on the recall of that member.

(2) The Leader of the Area Legislative Council may effect section 117(1), by first presenting satisfactory evidence to the Area Council that any of the

provisions of the section now apply to the member.

118. (1) The Chairman or Vice-Chairman may be removed from office under this section.

Removal of
Chairman or Vice-
Chairman of Area
Council

(2) Whenever a notice in writing signed by not less than one-third of the members of the Area Legislative Council stating that the holder of the office of Chairman or Vice-Chairman is guilty of misconduct in the performance of the functions of his office, with detailed particulars are presented to the Speaker of the Area Legislative Council.

(3) The leader of the Area Legislative Council shall within 7 days of the notice, serve a copy of the notice on the holder of the office and on each member of the Area Legislative Council and also serve any statement made in reply to the allegation by the holder of the office on each member of the Area Legislative Council.

(4) Within 14 days of the presentation of the notice, (Whether or not any statement was made by the holder of the office in reply to the allegation in notice) the Area Legislative Council, shall resolve by motion without any debate whether or not the allegation should be investigated.

(5) A motion of the Area Legislative Council that the allegation should be investigated can only be declared as having been passed if it is supported by the votes of not less than two-thirds majority of all the members of the Area Legislative Council.

(6) Within 7 days of the passing of a motion under section 118(4), the leader of the Area Legislative Council shall inform the Chief Judge of the Federal Capital Territory, Abuja, who shall appoint a Panel of seven persons who in the opinion of the Chief Judge are of unquestionable integrity and are not members of:

- (a) any public or civil service;
- (b) a legislative house; or
- (c) a political party to investigate the allegation.

(7) The holder of an office whose conduct is being investigated has the right to defend himself in person or be represented before the Panel by a legal practitioner of his own choice.

(8) A Panel appointed under this section shall:

- (a) have powers and perform its functions according to any procedure prescribed by an Act of the National Assembly;
- (b) within 3 months of its appointment, report its findings to the Area Legislative Council.

(9) Where the Panel reports to the Area Legislative Council that the

allegation has not been proven no further proceedings shall be taken on the matter.

(10) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of receiving the report, the Area Legislative Council shall consider the report with the holder of the office present at the meeting and if by a resolution of the Area Council supported by not less than two-thirds majority of all its members, the report of the Panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

119. A member of an Area Council may be recalled as a member if:

Recall of Member of Area Council

- (a) the Chairman of the Commission receives a petition signed by not less than half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and
- (b) the petition is thereafter approved in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that member's constituency

PART VII

Procedure for Local Government Council Elections

120. Voting in Local Government Council Elections shall be by open-secret ballot.

Voting by Open secret ballot

121. The procedure for filing nominations and the casting and counting of votes for Local Government Council elections shall be the same as in other elections under this Act.

Procedure for Local Government Elections.

122. (1) If after the expiration of time for the submission of nomination papers and the withdrawal of candidates for election of Councilors only one candidate remains duly nominated, that candidate shall be declared unopposed.

Procedure for Nomination etc.

(2) If after the expiration of time for the submission of nomination papers and the withdrawal of candidates for election of Councilors more than one candidate is duly nominated, a poll shall be taken in accordance with the provisions of this Act

(3) Where at the close of nomination for election to the office of Chairman, only one candidate-

- (a) has been nominated, or
- (b) remains nominated because of disqualification, withdrawal, incapacitation, disappearance, or death of the other candidates, the State Independent Electoral Commission shall extend the time for nomination by 7 days. But where after the extension only one

candidate remains validly nominated there shall be no further extension.

123. (1) A candidate for an election to the Office of the Chairman shall be regarded as duly elected to the office where he/she is the only candidate nominated for the election and has:

Election of
Chairman.

- (a) a majority of YES votes over NO votes cast; and
- (b) not less than one-third of the votes cast at the election in each of at least two-thirds of all the wards in the Local Government.

(2) But where the only candidate fails to be elected required by this subsection there shall be fresh nominations.

(3) A candidate for an election to the office of the Chairman shall be regarded as elected, if there are only two candidates for the election:

- (a) he/she has a majority of the votes cast; and
- (b) he/she has not less than one-quarter of the votes cast in each of at least two thirds of all the wards in the Local Government Council.

(4) If no candidate is duly elected under section 123(2), the State Independent Electoral Commission shall within 7 days conduct a second election between the two candidates and the candidate who scored the majority of votes cast at the election shall be regarded as duly elected at the election.

(5) A candidate for an election to the office of the Chairman shall be regarded as duly elected where there are more than two candidates for the election:

- (a) he/she has the highest number of votes cast; and
- (b) he/she has not less than one-quarter of the votes cast in each of at least two-thirds of all wards in the Local Government.

(6) If no candidate is duly elected, there shall be a second election at which the only candidates shall be:

- (a) the candidate who scored the highest number of votes; and
- (b) one among the remaining candidates who has the majority of votes in the highest number of wards so long as where there are more than one candidate, the one among them with the highest total number of votes cast at the election shall be the second candidate for the election.

(7) Where no candidate is duly elected under this section, the State Independent Electoral Commission shall within 7 days of the result of the election arrange for another election between the candidates and a candidate at the election shall be regarded as duly elected to the office of a Chairman of Local Government if he/she has-

- (a) a majority of the votes cast; and
- (b) not less than one-quarter of the votes cast in each of at least two-thirds of all the wards in the Local Government Area.

(8) If no candidate is duly elected, arrangements shall be made within 7 days of the result for another election between the two candidates specified in section 123(6), and a candidate at this election shall be regarded as duly elected to the office of Chairman of a Local Government if he/she scores a simple majority of votes cast.

PART VIII

Electoral Offences

124. (1) Any person who:

- (a) without authority, destroys, mutilates, defaces or removes or makes any alteration in any notice or document required for the purpose of registration under this Act;
- (b) knowingly gives false information or makes a false statement in any application for registration of his name or in any objection to the retention of the name of a person in the register of voters;
- (c) presents himself to be or does anything as a result of which he is by whatever name included in the register of voters for a constituency in which he is not entitled to be registered or makes himself to be registered in more than one registration or revision centre;
- (d) publishes any statement or report which he knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters;
- (e) makes in any record, register or document which he is required to prepare, publish or keep for the registration, any entry or statement which he knows to be false or does not believe to be true;
- (f) impedes or obstructs a registration officer or a revision officer in the performance of his duties;
- (g) without proper authority, wears the identification of a registration officer or assistant registration officer or wears any other identification claiming to be the identification of a registration officer or assistant registration officer;
- (h) forges a registration card; or
- (i) carries out registration or revision of voters at a centre or place not designated by the Commission has committed an offence and if convicted shall be liable to a maximum fine of N100,000 or to 12 months imprisonment or to both.

Offences in relation to registration, etc.

125. (1) A person has committed an offence if he/she:

- (a) forges any nomination paper;
- (b) deliberately defaces or destroys any nomination paper;
- (c) submits to an electoral officer any nomination paper knowing it to be forged;

Offences in respect of nomination etc

- (d) signs a nomination paper as a candidate in more than one constituency at the same election;
- (e) forges any ballot paper or official mark on any ballot paper or any certificate of return;
- (f) deliberately destroys any ballot paper or official mark on any ballot paper or any certificate of return;
- (g) without authority gives a ballot paper to any person;
- (h) deliberately places in any ballot box any unauthorized paper;
- (i) deliberately removes from a polling station any ballot paper whether or not the ballot paper was issued to him in that polling station;
- (j) without authority destroys or in any other manner interferes with a ballot box or its contents or any ballot paper then in use or likely to be used for an election;
- (k) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at that election;

(2) A person who commits an offence under section 125(1) if convicted is liable to a maximum fine of N200,000 or imprisonment for 2 years or to both.

(3) A person has committed an offence if:

- (a) without proper authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (b) authorized by the Commission to print ballot papers prints more than the number or quantity the Commission authorized;
- (c) without authority, is found in possession of a ballot paper when he is not in the process of voting and at a time when the election for which the ballot paper is intended is not yet completed;
- (d) manufactures, constructs, imports into Nigeria, has in his possession, supplies to any election official or uses for an election, or causes to be manufactured, constructed or imported into Nigeria, supplies to any election official for use for any election, any Ballot Box including any compartment, appliance, device or mechanism on or by which a ballot paper may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or manipulated;

(4) A person who commits an offence under section 125(3) if convicted is liable to a maximum fine of N5,000,000 and imprisonment for 5 years or to both.

(5) An attempt to commit any offence under this section shall be punishable in the same manner as the offence itself.

126. Any person who, at a political meeting held after the date for an election has been announced:

Disorderly behaviour at political meetings.

- (a) acts or incites another to act in a disorderly manner to prevent the transaction of the business for which the meeting was convened; or
- (b) has in his possession an offensive weapon or missiles; has committed an offence and if convicted is liable to a maximum fine of N100,000 or imprisonment for 12 months or both.

127. Any person who:

- (a) is entitled to a voters card, but gives it to some other person for use at an election other than an officer appointed and acting in the course of his duty;
- (b) is not an officer acting in the course of his duty under this Act, receives any voters card in the name of some other person or persons for use at an election uses it fraudulently;
- (c) without lawful excuse has in his possession more than one Voters Card; or
- (d) buys, sells, procures or deals, with a voters card except as provided in this Act; has committed an offence and if convicted is liable to a maximum fine of N100,000 or imprisonment for 12 months or both.

Improper use of voters cards.

128. (1) No person shall provide for the use of any other person to a registration office or to a polling station any government vehicle or boat, or any vehicle or boat belonging to a public corporation except for a person who is ordinarily entitled to use such vehicle or boat and in emergency for an electoral officer.

Improper use of vehicles.

(2) Any person who violates this section shall be guilty of an offence and liable if convicted to a maximum fine of N50,000 or to imprisonment for 6 months or both.

129. (1) Any person who:

- (a) applies to be included in any list of voters in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (b) having been properly included in a list of voters as a voter entitled to vote at any election, applies, except as authorized by this Act, to be included in any other list of voters prepared for any Constituency as a voter at an election;
- (c) applies for a Ballot Paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (d) having voted once at an election applies at the same election for another ballot paper;
- (e) votes or attempts to vote at an election knowing that he is not qualified to vote at the election; or
- (f) induces or encourages any other person to vote at an election knowing that such other person is not qualified to vote at the election, has committed an offence and is liable if convicted to a

Impersonation and voting when not qualified.

maximum fine of N100,000 or 12 months imprisonment or both.

(2) Any person who commits the offence of impersonation or who helps or encourages the commission of that offence, shall be guilty of an offence and be liable if convicted to a maximum fine of N100,000 or imprisonment for 12 months or both.

(3) No person charged with the offence of impersonation shall be convicted except on the evidence of at least two witnesses.

130. (1) Any officer appointed under this Act, who without lawful excuse commits any act or omits to act in breach of his official duty has committed an offence and if convicted, is liable to a maximum fine of N100,000 or to imprisonment for 12 months or both.

Dereliction of duty.

(2) Any Polling Officer who fails to report promptly at his polling station on an election day without lawful excuse has committed an offence of dereliction of duty and if convicted is liable to maximum fine of N100,000 or 12 months imprisonment or both.

(3) Any Polling Officer who fails to discharge his lawful duties at his polling station without lawful excuse has committed an offence of dereliction of duty and if convicted is liable to a maximum fine of N100,000 or 12 months imprisonment or both.

(4) Any person who announces or publishes an election result knowing it to be false or which is different from the signed certificate of result has committed an offence and if convicted is liable to 36 months imprisonment.

(5) Any Returning Officer or Collation Officer who submits a false certificate of result to the Commission or a State Independent Electoral Commission has committed an offence and if convicted is liable to a maximum imprisonment for 3 years without an option of fine.

(6) Any person who submits a false Certificate of result to any news media has committed an offence and if convicted is liable to imprisonment for 3 years.

131. (1) Any person who does any of the following:

- (a) directly or indirectly by himself or through any other person, gives, lends or agrees to give or lend, or offers, promises,
- (b) promises to get money or valuable consideration for any voter or on behalf of any voter to induce the voter to vote, to refrain from voting, or corruptly does such acts because the voter has voted or refrained from voting at any election;

Bribery and conspiracy.

- (c) directly or indirectly, by himself or through any other person, corruptly makes a gift, loan, offer, promise, or agreement to or for any person to induce the person to ensure the return of any person as a member of a Legislative House or to an elective office or the vote of any voter at any election;
- (d) because of any gift, loan, offer, promise, or agreement corruptly ensures or attempts to ensure the return of any person as a member of a Legislative House or to an elective office or the vote of any voter at any election;
- (e) advances or pays any money for the use of any other person so that the money or any part it is to be spent for bribery at any election or who knowingly pays money to any person in repayment of money spent for bribery at any election;
- (f) after any election, directly or indirectly, by himself or through any other person, receives any money or valuable consideration for any person who voted or refrained from voting, or for inducing any other person to vote or refrain from voting or for inducing any candidate to refrain from canvassing for votes for himself at the election, has committed an offence and if convicted is liable to a maximum fine of N100,000 or 12 months imprisonment or both.

(2) A voter has committed an offence of bribery if before or during an election, directly or indirectly, by himself or through any other person, he receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.

(3) Nothing in this section shall apply to money paid or agreed to be paid for lawful expenses incurred at any election..

(4) Any person who commits the offence of bribery is liable if convicted to a maximum fine of N100,000 or imprisonment for 12 months or both.

(5) Any person who conspires with, or helps any other person to commit any of the offences under this part of this Act shall be guilty of the same offence and the punishment.

(6) A candidate shall be regarded as having committed an offence if it was committed with his knowledge and consent or the knowledge and consent of someone acting under his or her authority on the election.

132. (1) Every person present at a polling station including every officer conducting an election and his or her assistants and every polling agent and candidate present at a polling station or at the collation centre, shall maintain and help to maintain the secrecy of the voting.

Requirement of
secrecy in voting.

(2) No person present at a polling booth shall, except authorized by law, communicate to any person information on the name or number on the register of any voter who has or has not voted at the place of voting.

(3) No person shall:

- (a) interfere with a voter casting his vote, or by any other means obtain or attempt to obtain in a polling station information about the candidate whom a voter is about to vote for or has voted for; or
- (b) communicate at any time to any other person information obtained in a polling station about the candidate whom a voter is about to vote or has voted for.

(4) Any person acting contrary to this section has committed an offence and is liable if convicted to a maximum fine of N50,000 or to imprisonment for 6 months or both.

133. Any person who:

- (a) votes at an election or induces any person to vote knowing that he or such person is prohibited from voting; or
- (b) before or during an election, publishes any statement of the withdrawal of a candidate at the election knowing it to be false or reckless as to its truth or falsity; or
- (c) before or during an election publishes any statement about the personal character or conduct of a candidate meant to prejudice the chance of election of the candidate or to ensure the election of another candidate and the statement is false and was published without reasonable grounds for belief that the statement was true, has committed an offence and if convicted shall be liable to a maximum fine of N50,000 or imprisonment for a term of 6 months or both.

Wrongful voting and false statements

134. (1) Any person who votes or attempts to vote in a Constituency in which his name is not on the register of voters has committed an offence and is liable if convicted to a maximum fine of N50,000 or to imprisonment for a term of 6 months or both.

Voting by unregistered person.

(2) Any person who brings to a polling station during an election a voters card issued to another person has committed an offence and if convicted is liable to a fine of N50,000 or to imprisonment for 6 months or both.

135. Any person who at an election acts or incites others to act in a disorderly manner has committed an offence and is liable if convicted to a maximum fine of N100,000 or imprisonment for 12 months or both.

Disorderly conduct at elections.

136. (1) No person shall on the date on which an election is held do any of the following acts or things in a polling station or within a distance of 300

Offences on election day.

metres of a polling station-

- (a) canvass for votes;
- (b) solicit for the vote of any voter;
- (c) persuade any voter not to vote for any particular candidate;
- (d) persuade any voter not to vote at the election;
- (e) shout slogans concerning the election;
- (f) possess any offensive weapon or wear any dress or have any facial or other decoration meant to intimidate voters;
- (g) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
- (h) use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
- (i) loiter after voting or after being refused to vote;
- (j) snatch or destroy any election materials; and
- (k) blare siren.

(2) No person shall in the vicinity of a polling unit or collation centre on the day of which an election is held:

- (a) convene, hold or attend any public meeting during the hours of poll;
- (b) unless appointed under this Act to make official announcements, operate any megaphone, amplifier or public address apparatus;
- (c) wear or carry any badge, poster, banner, flag or symbol of a political party or to the election.

(3) A person who contravenes any of the provisions of this section has committed an offence and is liable if convicted to a fine of N50,000 or imprisonment for 6 months for every such offence.

(4) Any person who snatches or destroys any election materials may be imprisoned for up to 24 months.

137. A person who:

- (a) corruptly by himself or through any other person at any time after the date of an election has been announced, gives, provides or pays money to any person to corruptly influence that person or any other person to vote or refrain from voting, or because the person or any other person has voted or refrained from voting; or
- (b) is a voter, corruptly accepts money or any other inducement during any of the period stated in paragraph 137(a) has committed an offence and is liable if convicted to a fine of N100,000 or 12 months imprisonment or both.

138. A person who:

- (a) by himself or through another person, uses or threatens to use force, violence or restraint;
- (b) inflicts or threatens to inflict by himself or through any other person,

Undue influence.

- any injury, damage, harm or loss on or against a person to induce or compel that person to vote or refrain from voting, or because that person has voted or refrained from voting; or
- (c) by abduction, duress, or a fraudulent means, prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote,
 - (d) by preventing any political aspirants from using the media, designated vehicles, mobilization of political support and campaign at an election, has committed the offence of undue influence and is liable if convicted to a fine of N100,000 or imprisonment for 3 years.

139. The offences referred to in this Act apply to recall of a member of a Legislative House and a member of Local Government Council.

Offences relating to Recall.

PART IX

Determination of Election Petitions Arising from Elections

140. (1) No election and result at an election shall be questioned except by a petition ("election petition") presented to the competent tribunal or court and in which the person elected is included as a Party.

Proceedings to question an Election.

(2) In this section "tribunal or court" means:

- (a) in the case of Presidential election, the Court of Appeal; and
- (b) in the case of any other elections, the Election Tribunal established under the Constitution or by this Act.

(3) The Election Tribunals provided for under the Constitution and this Act shall be constituted not later than 14 days before the Election.

141. An election petition shall be presented within 30 days from the date the result of the election is declared;

Time for presenting Election Petition

142. (1) There shall be established for the Federal Capital Territory one or more Election Tribunals (Area Council Election Tribunal) which shall, to the exclusion of any other court or tribunal, to hear and decide any question whether:

Establishment of Area Council Election Tribunal.

- (a) any person has been validly elected to the office of Chairman, Vice-Chairman or Councilor;
- (b) the term of office of any person elected to the office of Chairman, Vice-Chairman or Councilor has ceased;
- (c) the seat of a member of an Area Council has become vacant; and
- (d) a question or petition brought before the Area Council Election Tribunal has been properly or improperly brought;

(2) An Area Council Election Tribunal shall consist of a Chairman and four other members.

(3) The Chairman shall be a Chief Magistrate and four other members shall

be appointed from among Magistrate of the Judiciary of the Federal Capital Territory, Abuja and lawyers of at least 10 years experience, non-lawyers of unquestionable integrity or other members of the Judiciary of the Federal Capital Territory not below the rank of a Magistrate.

143. (1) There shall be established for the Federal Capital Territory (FCT) the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and decide appeals from the decision of the Area Council Election Petition Tribunal.

Establishment of Area Council Election Appeal Tribunal.

(2) The decision of the Area Council Election Appeal Tribunal over Area Council elections shall be final.

(3) An Area Council Election Appeal Tribunal shall consist of a Chairman and four other members and the Chairman shall be a Judge of the High Court and the four other members shall be appointed from among judges of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Judges of the Customary Court of Appeal or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of a Chief Magistrate.

(4) The quorum of an Area Council Election Tribunal shall be the Chairman and two other members.

144. (1) An election petition may be presented by one or more of the following persons:

- (a) a candidate in an election;
- (b) a Political Party which participated in the election.

Persons entitled to present Election Petitions.

(2) The person whose election is complained of is 'the Respondent', but if the petitioner complains of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, such officer or person shall be regarded as a Respondent and shall be joined in the election petition in his or her official status as a necessary party. But where the officer or person is shown to have acted as an agent of the Commission, his not being joined as a party as initially stated will not on its own invalidate the petition if the Commission is made a party.

145. (1) An election may be questioned on any of the following grounds:

- (a) that a person whose election is questioned was, at the time of the election, not qualified to contest the election;
- (b) that the election was invalid because of corrupt practices or non-compliance with the provisions of this Act;
- (c) that the respondent was not duly elected by majority of lawful votes cast at the election; or

Grounds of petition.

(d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

146. (1) An Election shall not be invalidated for not complying with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially according to the principles of this Act and that the non-compliance did not substantially affect the result of the election.

Certain defects not to invalidate election.

(2) An election shall not be questioned because of a defect in the title, or absence of a title of the person conducting the election.

147. (1) If the Tribunal or the Court decides that a candidate who was elected was not validly elected on any ground, the Tribunal or the Court shall nullify the election.

Nullification of election by Tribunal or Court.

(2) If the Tribunal or the Court decides that a candidate who was elected was not validly elected on the ground that he did not score the majority of valid votes cast, the Election Tribunal or the Court shall declare as elected the candidate who scored the highest number of valid votes cast and satisfied the requirements of the Constitution and this Act.

148. An election petition and an appeal from the petition shall be given speedy hearing and take precedence over all other cases or matters before the Tribunal or Court.

Accelerated hearing of election petitions.

149. (1) If the Election Tribunal or the Court decides that a candidate elected was not validly elected, if notice of appeal against that decision is given within 21 days from the date of the decision, the candidate elected shall, regardless of the contrary decision of the Election Tribunal or the Court, remain in office until the appeal is decided.

Person elected to remain in office pending determination of appeal.

(2) If the Election Tribunal or the Court decides that a candidate elected was not validly elected, the candidate elected shall, regardless of the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of 21 days within which an appeal may be brought.

PART X Miscellaneous

152. No person holding an elective office to which this Act applies or a registered member of a Political Party shall be eligible for appointment to carry out the duties of a returning officer, an electoral officer, presiding officer or a poll clerk; and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while he continues to hold such appointment.

Persons disqualified from acting as election officers.

<p>153. Regardless of the powers of the Commission to conduct elections or referendum, the Commission shall conduct referendum or plebiscite for the creation of states or on any other matter in which a referendum or plebiscite may be required under the Constitution or any other law made by the National Assembly.</p>	<p>Conduct of referendum/plebiscite for State Creation.</p>
<p>154. If the registration card of a voter is lost or accidentally destroyed the voter may go personally to the office of the registration officer and apply for another registration card. The registration officer shall make enquires as the Commission may prescribe; and where the registration officer is satisfied about the loss or accidental destruction of the registration card, he may issue another card to the voter.</p>	<p>Loss of registration card.</p>
<p>156. No person who has voted in any election shall, in any legal proceedings arising out of the election, be required to say for whom he voted.</p>	<p>Secrecy of Ballot</p>
<p>157. The Commission shall consider any recommendation made to it by a tribunal on the prosecution of any person for an offence disclosed in any election petition.</p>	<p>Prosecution of Offence disclosed in Election Petition.</p>
<p>158. (1) An offence committed under this Act shall be tried in a Magistrate Court or a High Court of a State in which the offence is committed, or the Federal Capital Territory, Abuja.</p>	<p>Trial of offences.</p>
<p>(2) A prosecution under this Act shall be undertaken by Legal Officers of the Commission or any Legal Practitioner appointed by it.</p>	
<p>159. (1) An order for the inspection of a polling document or the inspection of a document held by the Chief National Electoral Commissioner or any other officer of the Commission may be made by the Election Tribunal or the Court if it is satisfied that the purpose of the order is to institute or maintain an election petition.</p>	<p>Inspection of documents.</p>
<p>160. The Commission may delegate any of its powers and functions to any National Electoral Commissioner, Resident Electoral Commissioner, Electoral Officer, any other officer of the Commission or any other officer appointed under this Act.</p>	<p>Delegation of Powers of the Commission</p>
<p>161. The Commission may issue regulations, guidelines, or manuals to effect the provisions of this Act and for its administration.</p>	<p>Regulations.</p>
<p>162. The Commission shall have power to conduct civic education and enlightenment in the print and electronic media to enhance its functions</p>	<p>Civic education by the Commission.</p>

165. The following enactments are hereby repealed.

- (a) The Electoral Act 2002
- (b) INEC Estab. Act No.17 of 1998
- (c) INEC (Amendment) Act No. 33 of 1998

Repeal of Electoral
Act 2002, INEC
Establishment Act
No.17, 1988 etc

166. This Act may be cited as the Electoral Act, 2006.

Citation